

IN THE CLAIMS:

Please amend Claims 1, 7, 10, 14 and 17 as follows:

B1
SUB
C2

- 1 1. (Twice Amended) A lighting apparatus comprising:
2 a first extruded portion shaped to mount on the nose of a stair step; and,
3 a second extruded portion coextruded with said first portion, said second
4 portion comprising a non-photoluminescent material selected to have a reflectance factor
5 greater than or equal to light gray polyvinyl chloride.

B2
SUB
C3

- 1 7. (Twice Amended) A lighting apparatus mountable in connection
2 with a step of a staircase and comprising:
3 a first plastic extruded portion providing a step plate surface and a riser
4 surface mounted at a right angle with respect to one another and dimensioned to be mounted
5 on the nose portion of a stair step;
6 a second plastic non-photoluminescent light reflective strip coextruded with
7 said first portion and located so as to be disposed at and visible along an edge of said step in
8 a darkened environment; and,
9 a lamp mounted on a portion of a seat, said seat being located adjacent to
10 said step.

B³
SUB
C4³

1 10. (Amended) A lighting apparatus comprising:
2 a first extruded portion shaped to mount on a nose of a stair step; and,
3 a second non-photoluminescent reflective strip coextruded with said first
4 portion and located so as to be disposed at and visible along an edge of said step in a
5 darkened environment without connecting the strip to a power source.

B⁴

1 14. (Amended) A lighting apparatus comprising:
2 a first extruded portion shaped to mount on a nose of a stair step; and,
3 a second extruded portion coextruded with said first portion, said second
4 portion comprising a non-photoluminescent material selected to have a reflectance factor
5 sufficient to illuminate the edge of said step.

B⁶

1 17. (Amended) A lighting apparatus comprising:
2 a first extruded portion shaped to mount on a nose of a stair step; and,
3 a second extruded portion coextruded with said first portion, said second
4 portion comprising a strip of light gray polyvinyl material selected to have a reflectance
5 factor sufficient to illuminate an edge of said step and positioned by said first portion to be
6 disposed along the edge of said step.

REMARKS

This amendment responds to the Office Action mailed October 24, 2001.
Accordingly, Applicant respectfully submits that this response is being timely filed.

Claims 1-5 and 7-18 were pending. No claims have been canceled by this
amendment. Accordingly, claims 1-5 and 7-18 are now pending in the present

application and, for the reasons set forth below, are believed to be in condition for allowance.

REJECTION PURSUANT TO §102(e)

The Office Action rejects Claims 1-3, 10 and 14-16 under 35 U.S.C. §102(e) as being anticipated by Glatz et al (5,904,017). In particular, the Office Action states that Glatz discloses, "a second extruded portion 216 coextruded with the first portion, the second portion having a material selected to have a reflectance factor greater than or equal to light gray polyvinyl chloride [most photoluminescent materials are made of a light color (i.e. white) material, and therefore, have a reflectance factor greater than or equal to light gray polyvinyl chloride]." Office Action, p. 2. However, Claims 1-3, 10 and 14-16 as amended do not disclose the use of photoluminescent material.

The photoluminescent material used by Glatz is distinctly different from the reflective material disclosed in the present invention. In particular, the photoluminescent material of Glatz glows a distinct "green-yellow" color. (Col. 4, lines 28-29.) Moreover, the photoluminescent material emits its glow uncontrollably. The present invention can reflect more or less light, even zero light, as the light directed to the reflective strip is increased or decreased. Thus, the present invention can allow for a range of lighting from complete darkness to an increased level of visibility depending on the light reflecting from the device.

In Glatz, the photoluminescent material will emit green-yellow light in complete darkness whether the user wants it to emit light or not.

Furthermore, photoluminescent material degrades in time. In particular, the "general requirements" for the photoluminescent material in Glatz includes a limit of 500 hours before degradation of the photoluminescent properties occurs. (Col. 4, lines 50-65). However, the present invention is intended for use in theaters where light can be needed 24 hours per day. Thus, a 500-hour limit (roughly 20.83 days) prior to degradation of luminescence is minimal for the theater setting for which the present invention is designed.

The present invention has non-trivial, beneficial characteristics over those disclosed in Glatz. This invention has clear differences and advantages over Glatz regarding control of light emission and aesthetics. Thus, based on the above amendments, Applicants respectfully traverses this rejection.

REJECTION PURSUANT 35 U.S.C. § 103(a):

The Office Action rejects Claims 7-9 and 11-13 under 35 U.S.C. §103(a) as being unpatentable over Glatz et al (5,904,017) in view of George (6,116,748). In particular, the Office Action alleges that the lamp mounted on a seat in George combined with the photoluminescent device of Glatz discloses the present invention. However, the use of photoluminescent material in Glatz teaches directly away from the use of a light source in George.

As discussed above, the claims as amended call for use of a non-photoluminescent material. In the present invention, a strip of reflective non-photoluminescent material is preferably used. Accordingly, the two references do not identify each and every feature of the present invention and cannot support a *prima facie* case for obviousness. Reconsideration of this rejection is respectfully requested.

Additionally, the photoluminescent material of Glatz glows green-yellow. Glatz specifically discloses that photoluminescent material is used "to identify escape routes in the absence of light, such as during power outages" (Glatz, Col. 2, ll. 62-65) and is "for use in areas which become dark intermittently or during emergency situations." (Glatz, Col. 3, ll. 65-67.) Moreover, Glatz discourages the use of electrical systems due to, *inter alia*, expense and the need for a power source. (Glatz, Col. 1, ll. 31-35.)

In contrast, the lighting system for George is used for "continually illuminated aisles." (Col. 1, ll. 37-38.) There is no disclosure or suggestion in George regarding the use of photoluminescent material. Thus, Glatz teaches directly away from using a lamp as disclosed by George. Accordingly, Applicants respectfully traverse this rejection and request reconsideration thereof.

OBJECTIONS TO CLAIMS 17 and 18:

The Office Action states that Claims 17 and 18 contain allowable subject matter if rewritten or amended to include the limitations of the claims from which they depend. Claim 17 has been amended to include the limitations of the claims from which it depends and Claim 18 depends from Claim 17. Accordingly, Applicants respectfully submit that these claims are in condition for allowance.

CONCLUSION

In each case, the pending rejections should be reconsidered in view of the amendments and remarks herein. Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington DC

20231 January 24, 2002

on Marc Fregoso

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Signature

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